



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	29 November 2018
Licensing Ref No:	18/12003/LIPV - Premises Licence Variation
Title of Report:	Chicken Cottage Ground Floor 338 Kilburn Lane London
Report of:	Director of Public Protection and Licensing
Wards involved:	Queen's Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	9 October 2018		
<b>Applicant:</b>	Mr Zulfiqar Khan		
<b>Premises:</b>	Chicken Cottage		
<b>Premises address:</b>	Ground Floor 338 Kilburn Lane London W9 3EF	<b>Ward:</b>	Queen's Park
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	This premises currently operates as a restaurant/takeaway.		
<b>Variation description:</b>	Application to vary the existing Premises Licence to provide for additional hours for the provision of Late Night Refreshments.		
<b>Premises licence history:</b>	The premises has been licensed since 2006. Full details can be found at Appendix 3 of this report.		
<b>Applicant submissions:</b>	None		

1-B Current and proposed licensable activities, areas and hours					
<b>Late night refreshment</b>					
<b>Indoors, outdoors or both</b>		<b>Current :</b>			<b>Proposed:</b>
		Outdoors			Indoors
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area:</b>
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	
<b>Monday</b>	23:00	23:30	23:00	00:00	No Change
<b>Tuesday</b>	23:00	23:30	23:00	00:00	
<b>Wednesday</b>	23:00	23:30	23:00	00:00	
<b>Thursday</b>	23:00	23:30	23:00	00:00	
<b>Friday</b>	23:00	00:00	23:00	01:00	
<b>Saturday</b>	23:00	00:00	23:00	01:00	
<b>Sunday</b>					
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b>			<b>Proposed:</b>
		None			

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area:
	Start:	End:	Start:	End:	
Monday	09:00	23:30	09:00	00:00	No Change
Tuesday	09:00	23:30	09:00	00:00	
Wednesday	09:00	23:30	09:00	00:00	
Thursday	09:00	23:30	09:00	00:00	
Friday	09:00	00:00	09:00	01:00	
Saturday	09:00	00:00	09:00	01:00	
Sunday	09:00	22:30	09:00	22:30	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	None			No Change	

1-C Layout alteration
No Change

1-D Condition proposed to be deleted by the applicant:						
The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry points and which enables frontal identification of every person entering in any light condition. All cameras shall continually record whilst premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.						
<table border="1"> <thead> <tr> <th>Adult entertainment:</th> <th>Current position:</th> <th>Proposed position:</th> </tr> </thead> <tbody> <tr> <td></td> <td>None</td> <td>No Change</td> </tr> </tbody> </table>	Adult entertainment:	Current position:	Proposed position:		None	No Change
Adult entertainment:	Current position:	Proposed position:				
	None	No Change				

## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Mr Anil Dryan
Received:	1 November 2018

I refer to the application for variation of the Premises Licence for the above premises.

### The applicant is seeking the following:

1. To increase the hours for the provision of Late Night Refreshment 'Indoors' to 23:00 and 00:00 Monday to Thursday and 23:00 and 01:00 Friday and Saturday

### I wish to make the following representations:

1. The increase in hours requested for the Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the Area

Environmental Health also makes the following further comments:

- Additional conditions and undertakings have been offered with the application and these are under consideration as to whether they are sufficient to allay Environmental Health concerns. Some may need re-wording so that they reflect the Council's 'model' wording for conditions.
- Environmental Health will also need to be satisfied that the resultant extended operation of any plant or machinery does not lead to noise and/or odour nuisance.

For information : a premises history check of Environmental Health's nuisance database for the last 2 years shows no records of nuisance complaints made against the premises.

The applicant is requested to contact the undersigned to discuss the above and to arrange a site visit after which Environmental Health may propose additional conditions.

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	21 October 2018		
<p>I own/occupy the residential premises that borders the [REDACTED] border of the subject premises.</p> <p>I have some concern about unpleasant cooking odour vented to the rear of the premises, which currently negatively affects the air and outdoor spaces of the neighbouring residents. Under the extended hours this will of course be more of an inconvenience during the late evening.</p> <p>In the context of this application, can the council please consider how this may be remedied, such as venting of cooking odours to the commercial frontage rather than residential rear of the property. I have no other comments.</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	24 October 2018		
<p>I support the application on the basis that the Chicken Cottage is one of a number of take away restaurants in Kilburn lane and Salusbury road who currently close at midnight. The Chicken Cottage is also clean and well presented. My only concern is the amount of litter left in Kilburn lane particularly at the weekend arising from these restaurants.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	17 October 2018		
<p>As a resident of [REDACTED] I oppose any extension to the trading hours of Chicken Cottage. Apart from the rubbish, discarded packaging and chicken waste left on Portnall road ( thrown from parked cars, left on walls etc ) the noise from car sound systems and groups sitting on walls outside is already a big problem. As many of the people ( mostly male ) who frequent this establishment later at night have invariably been drinking, it is intimidating for my wife and daughter to have to pass if returning at night. Lastly, the smell of fried chicken from the kitchen. Please do not allow this application.</p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <ul style="list-style-type: none"> <li>• For premises for the supply of alcohol for consumption on the premises: Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</li> <li>• For premises for the supply of alcohol for consumption off the premises: Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</li> <li>• For premises for the provision of other licensable activities: Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</li> </ul>
<b>Policy FFP1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

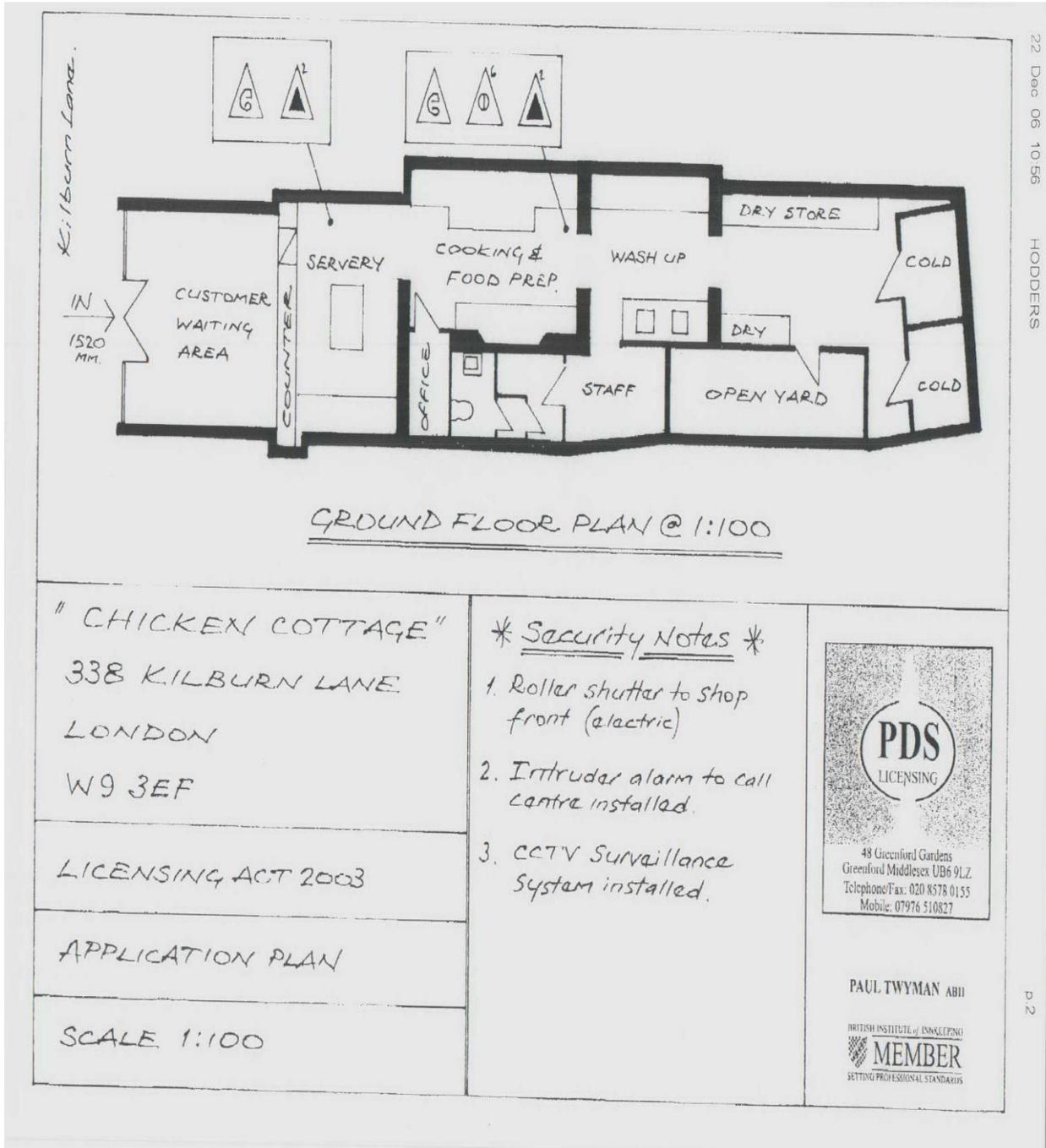
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Michelle Steward Senior Licensing Officer
<b>Contact:</b>	Telephone: Email: <a href="mailto:msteward1@westminster.gov.uk">msteward1@westminster.gov.uk</a>

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service	1 November 2018
<b>5</b>	Resident 1	21 October 2018
<b>6</b>	Resident 2	24 October 2018
<b>7</b>	Resident 3	17 October 2018



22 Dec 06 10:56  
HODDERS

" CHICKEN COTTAGE "  
338 KILBURN LANE  
LONDON  
W9 3EF

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LICENSING ACT 2003

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APPLICATION PLAN

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SCALE 1:100

- \* Security Notes \**
1. Roller shutter to shop front (electric)
  2. Intruder alarm to call centre installed.
  3. CCTV Surveillance System installed.

**PDS**  
LICENSING

48 Greenford Gardens  
Greenford Middlesex UB6 9LZ  
Telephone/Fax: 020 8578 0155  
Mobile: 07976 510827

PAUL TWYMAN ABII

BRITISH INSTITUTE of BAKING  
**MEMBER**  
SETTING PROFESSIONAL STANDARDS

**Applicant Supporting Documents**

**Appendix 2**

None



Schedule 12  
Part A

WARD: Queen's Park  
UPRN: 999000128852

**City of Westminster**

64 Victoria Street, London, SW1E 6QP

**Premises licence**

Regulation 33, 34

**Premises licence number:**

07/02794/WCCMAP

**Part 1 – Premises details**

**Postal address of premises:**

Chicken Cottage  
338 Kilburn Lane  
London  
W9 3EF

**Telephone Number:** Not supplied

**Where the licence is time limited, the dates:**

N/A

**Licensable activities authorised by the licence:**

Late Night Refreshment

**The times the licence authorises the carrying out of licensable activities:**

Late Night Refreshment: Monday to Thursday - 23:00 to 23:30  
Late Night Refreshment: Friday to Saturday - 23:00 to 00:00

**The opening hours of the premises:**

Monday to Thursday: 09:00 to 23:30  
Friday and Saturday: 09:00 to 00:00  
Sunday: 09:00 to 22:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

N/A

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mr Zulfiqar Khan  
134 Cairnfield Avenue  
London  
NW2 7PJ  
: 020 8965 1155

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** N/A  
N/A  
**Address:** N/A  
**Phone:** N/A

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** N/A  
**Licensing Authority:** N/A

**Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_  
**Director of Legal & Administrative Services**

## **Annex 1 – Mandatory conditions**

None

## **Annex 2 – Conditions consistent with the operating Schedule**

1. Reasonable steps will be taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.
2. Managers will liaise with local neighbours as part of their duties to resolve any reasonable concerns
3. Deliveries will be conducted during daytime to control noise nuisance.
4. Notices will be displayed around the premises asking patrons to leave the premises quietly.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

5. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry points and which enables frontal identification of every person entering in any light condition. All cameras shall continually record whilst premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.
6. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

**Annex 4 – Plans**

Attached



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

WARD: Queen's Park  
UPRN: 999000128852

Premises licence  
summary

Regulation 33, 34

Premises licence number:

07/02794/WCCMAP

**Part 1 – Premises details**

**Postal address of premises:**

Chicken Cottage  
338 Kilburn Lane  
London  
W9 3EF

**Telephone Number:** Not supplied

**Where the licence is time limited, the dates:**

N/A

**Licensable activities authorised by the licence:**

Late Night Refreshment

**The times the licence authorises the carrying out of licensable activities:**

Late Night Refreshment: Monday to Thursday - 23:00 to 23:30

Late Night Refreshment: Friday to Saturday - 23:00 to 00:00

**The opening hours of the premises:**

Monday to Thursday: 09:00 to 23:30

Friday and Saturday: 09:00 to 00:00

Sunday: 09:00 to 22:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

N/A

**Name and (registered) address of holder of premises licence:**

Mr Zulfiqar Khan

134 Cairnfield Avenue  
London  
NW2 7PJ

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Name:** N/A  
N/A

**State whether access to the premises by children is restricted or prohibited:**

N/A

**Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_  
**Director of Legal & Administrative Services**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
<b>07/02794/WCCMAP</b>	<b>Master Licence</b>		
06/13610/LIPN	Application for a New Premises Licence	15/02/2007	Granted by Licensing Sub Committee
08/04480/LIPV	Full Variation Application	31/07/2008	Refused by Licensing Sub Committee

**There is no appeal history**

## **Appendix 4**

### ***CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING***

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

#### **Conditions: On Current Licence -**

##### **Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the operating Schedule**

9. Reasonable steps will be taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.
10. Managers will liaise with local neighbours as part of their duties to resolve any reasonable concerns
11. Deliveries will be conducted during daytime to control noise nuisance.
12. Notices will be displayed around the premises asking patrons to leave the premises quietly.

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

13. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry points and which enables frontal identification of every person entering in any light condition. All cameras shall continually record whilst premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

**List of Premises in the Vicinity****Appendix 5**

Licence Number	Trading Name	Address	Premises Type	Time Period
07/02794/WCCMAP	Chicken Cottage	Ground Floor 338 Kilburn Lane London W9 3EF	Restaurant	Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sunday; 09:00 - 22:30
13/04374/LIPVM	Hilton Food And Wine	Ground Floor 336 Kilburn Lane London W9 3EF	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
12/01212/LIPT	Alimentari	Ground Floor 342 Kilburn Lane London W9 3EF	Food store (large)	Monday to Sunday; 09:00 - 21:00
16/10101/LIPN	Kilburn Food Centre	332 Kilburn Lane London W9 3EF	Food store	Monday to Sunday; 08:00 - 03:00
13/04009/LIPT	Ali Baba Kebab	330 Kilburn Lane London W9 3EF	Restaurant	Monday to Saturday; 12:00 - 00:30   Sunday; 15:00 - 00:30
17/14682/LIPDPS	Kilburn Wine Store	354 Kilburn Lane London W9 3EF	Food store (large)	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30